

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:12 cv 283**

<b>ZURICH AMERICAN INSURANCE COMPANY,</b>	)	
	)	
	)	
<b>Plaintiff</b>	)	
	)	
	)	<b><u>ORDER</u></b>
<b>v</b>	)	
	)	
	)	
<b>KEN WILSON TRUCKING, INC., Ken Wilson Ford, Inc. d/b/a Ken Wilson Sterling Trucks,</b>	)	
	)	
	)	
<b>Defendants.</b>	)	
	)	

**THIS MATTER** has come before the undersigned pursuant to a document filed by the parties entitled “Amended Joint Rule 26(f) Report” (#16).

The parties in this matter filed a Joint Rule 26(f) Report (#11) on October 30, 2012. Thereafter, on November 8, 2012 the undersigned filed a Pretrial Order and Case Management Plan (#12). In the Pretrial Order and Case Management Plan the undersigned set the following deadlines:

Rule 26 Disclosures:	November 26, 2012
Selection of Mediator:	November 29, 2012
Discovery Completion:	June 1, 2013
Expert Reports:	January 1, 2013 (plaintiff) February 1, 2013 (defendants)
Mediation:	June 15, 2013
Motions:	July 1, 2013
Trial:	1 <sup>st</sup> session on or after November 12, 2013

Without filing a motion to amend the Pretrial Order and Case Management Plan, and without any explanation whatsoever, the parties have now filed what they denote as “Amended Joint Rule 26(f) Report”(#16). After comparing the Pretrial Order and Case Management Plan with the Amended Joint Rule 26(f) Report, it appears what the parties are seeking are changes to the discovery completion deadline, the motion deadline, and the mediation deadline. The parties have not provided any reason as to why they are seeking such relief and, in fact, have not requested any relief at all. By their actions they have forced this Court to spend time examining and comparing the various filings in this case to try to discern why the Amended Joint Rule 26(f) Report was filed at all. As a result, this Court will not grant relief and will order that the Amended Joint Rule 26(f) Report(#16) be stricken from the records in this file.

Should the parties desire to seek an amendment to the Pretrial Order and Case Management Plan, the Court would advise they consult with the Local Rules and file an appropriate motion with an explanation as to the relief that is sought and the reasons why such relief is necessary, along with a supporting brief, as is also required by the Local Rules.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that the document entitled “Amended

Joint Rule 26(f) Report"(#16) is hereby ordered to be **STRICKEN** from the records in this file by the Clerk.

Signed: May 10, 2013

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

